

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Sheila V. San Miguel-Montijo, being duly sworn, do here by depose and state:

BACKGROUND

1. I am a duly appointed Deputy United States Marshal of the United States Marshals Service (USMS). I have been working as a Deputy U.S. Marshal since July 2010. I am presently assigned to the USMS Puerto Rico Violent Offenders Task Force (PRVOTF) as the Acting Sex Offender Investigation Coordinator (SOIC) for the District of Puerto Rico.

2. I have attended the Federal Law Enforcement Training Center at Glynco, Georgia. I was trained in conducting investigations, arrests, and interviews, among others. I also attended the Sex Offender Investigations Coordinator Training Program at the National Sex Offender Targeting Center at Alexandria, Virginia.

3. I am thoroughly familiar with the information contained in this Affidavit, either through personal investigation or through discussions with other law enforcement officers who have interviewed individuals or personally have obtained information, which they in turn have reported to me. Because this Affidavit is submitted for a limited purpose, I have not included details of every aspect of this investigation. All facts set forth below are true and correct to the best of my knowledge.

PROBABLE CAUSE

4. On or about February 11, 1997, James Francis Gorman was convicted of Indecent Assault and Battery on a person in relation to Chapter 265 Section 13H in the state of Boston, MA. The victim was a 14-year-old female.

5. A review of the Commonwealth of Massachusetts Sex Offender Registration documents revealed that James Francis Gorman is determined a Tier 2 offender and has a twenty-year registration requirement.

6. On January 11, 2010, James Francis Gorman registered as a sex offender with the Commonwealth of Massachusetts Sex Offender Registry and on January 25, 2010, signed the Commonwealth of Massachusetts Sex Offender Registration change of address and annual registration requirements:

- a. This form advises that "You are advised that you must notify the Sex Offender Registry Board in writing not less than 10 days prior to making any change in residence, employment, or attendance at any educational institution. You are further advised that you are required to immediately contact and advise of your presence, the appropriate authorities in any other state in which you locate yourself for the purpose of residence, employment, education, or vocational training. Failing to do so may subject you to criminal prosecution."

7. As part of the continuing investigation it was found that James Francis Gorman traveled to Puerto Rico on September 20, 2016.

8. As part of the continuing investigation in Puerto Rico, the undersigned also verified from all 13 regions that comprise the Puerto Rico Sex Offender Registry, each of which has stated that James Francis Gorman has not registered as a sex offender with the Puerto Rico authorities.

9. A convicted sex offender who fails to register or keep his registration updated in accordance with the Sex Offender Registration Act is considered a fugitive. See Title 42, United States Code, Sections 16901-62 and related case law.

10. Based upon my training, experience, and the facts concerning this investigation, I respectfully believe that sufficient probable cause exists to charge and arrest James Francis Gorman for having violated Title 18, United States Code, Section 2250, to wit, James Francis Gorman is a convicted sex offender, who in or about September 20, 2016 traveled to Puerto Rico from Boston, MA., to establish residence, and once living here, knowingly failed to register with the Police of Puerto Rico and law enforcement authorities.


SHEILA V. SAN MIGUEL MONTIJO
Deputy Criminal Investigator
United States Marshal Service

Sworn and subscribed before me, in San Juan, Puerto Rico, on this 16th day of December 2016.


BRUCE J. MCGIVERIN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO